

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

FRANCISCO SARCOS,)	Case No. 2:21-cv-00196-JDP
)	
Plaintiff,)	STIPULATED MOTION AND ORDER FOR
)	AN EXTENSION OF TIME
vs.)	
)	ECF No. 18
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	
)	
)	

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Defendant shall have a 30-day extension of time, from November 26, 2021 to December 27, 2021, for Defendant to respond to Plaintiff's motion for summary judgment (Dkt. No. 17).

This is Defendant's first request for an extension of time. In support of this request, the Commissioner respectfully states the following:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").
2. Defendant's response to Plaintiff's opening brief is currently due November 26,

2021. Defendant has not previously requested an extension of time for this deadline.

3. The Region IX Office currently handles all district and circuit court litigation involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the attorneys who handle program litigation cases have additional responsibilities, such as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the work product of junior attorneys, conducting trainings, and participating in national workgroups. In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing caseloads.

5. The Region IX Office has 285 district court briefs due in the next thirty days in the jurisdictions it handles; and 365 cases due in the next 60 days.

6. In addition to “program” litigation, the Region IX Office provides a full range of legal services as counsel for the Social Security Administration, in a region that covers four states (including the most populous state in the nation) and three territories. These other workloads include employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging topics, including Regional office client requests for advice on program issues, employee conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX Office has had to focus its efforts on processing only other workloads that are subject to statutory, regulatory, and court deadlines.

7. The undersigned attorney has nine briefs due in district court cases over the next month. This number is expected to increase in the next week, with more Plaintiff’s briefs to be filed. In addition to cases in the active briefing stage, the undersigned must also allocate time to work on cases in other stages of litigation. Since Plaintiff’s opening brief was filed, the

undersigned has worked on over 25 district court cases at varying stages of litigation. Counsel is also responsible for other substantive non-litigation matters in the Region IX Office.

7. Due to the volume of the overall workload within the Region IX Office, Defendant seeks an extension of 30 days, until December 27, 2021, to respond to Plaintiff's motion.

8. This request is made in good faith and is not intended to delay the proceedings in this matter.

9. On November 22, 2021, counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this motion.

WHEREFORE, Defendant requests until December 27, 2021, to respond to Plaintiff's motion. The parties further stipulate that the deadline for any reply by Plaintiff, if necessary, will be extended accordingly.

Respectfully submitted,

Dated: November 22, 2021

/s/ Jesse Kaplan*

(*as authorized via email on November 22, 2021)

JESSE KAPLAN

Attorney for Plaintiff

Dated: November 22, 2021

PHILLIP A. TALBERT

Acting United States Attorney

DEBORAH LEE STACHEL

Regional Chief Counsel, Region IX

Social Security Administration

By: /s/ Allison J. Cheung

ALLISON J. CHEUNG

Special Assistant U.S. Attorney

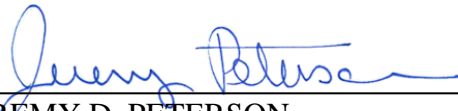
Attorneys for Defendant

ORDER

The parties' stipulation, ECF No. 18, is construed as a motion and granted for good cause shown.

IT IS SO ORDERED.

Dated: November 30, 2021



JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE